

FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2015 FEB 13 P 3:13

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

ROBERT A. VANDERHYE

Plaintiff,

v.

E*TRADE FINANCIAL CORPORATION

Defendant.

Civil Action No. 1:15-CV-205
(GBL/TCB)

NOTICE OF REMOVAL

Defendant E*TRADE FINANCIAL CORPORATION, ("E*TRADE") by counsel and pursuant to 28 U.S.C. § 1441 *et seq.*, hereby removes this action from the Circuit Court for Fairfax County, Virginia to this Court. As grounds for this removal, Defendant E*TRADE states as follows:

This action was commenced on February 2, 2015, by the filing of the attached Complaint by plaintiff, *pro se*, Robert A. Vanderhye, ("Plaintiff") in the Circuit Court for Fairfax County, Virginia, and is now pending in that court as case number CL2015-1421. The Complaint, a Motion for Preliminary Injunction, and an Affidavit in Support of the Motion were served on Defendant, E*TRADE, on February 11, 2015. There are no other defendants in the action, and there have been no other proceedings in the Fairfax County Circuit Court.

This Case is removable pursuant to 28 U.S.C. 1332, which provides in relevant part that "[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States;...". 28 U.S.C. 1332(a) (1). Upon information and belief, and

according to the Complaint, Plaintiff is a citizen of the State of Virginia who resides in Fairfax County. The Defendant, E*TRADE, is a domestic corporation organized under the laws of the State of Delaware with its principal office address located in New York, New York. As such complete diversity of citizenship exists as between Plaintiff and the Defendant, E*TRADE.

Plaintiff has alleged state law claims for fraud and deceit, statutory business conspiracy, breach of fiduciary duty, conversion and the Virginia Computer Crimes Act and seeks damages of “not less than \$249,000,” Compl. at 8, plus attorneys’ fees – easily exceeding the \$75,000 requirement for diversity jurisdiction under 28 U.S.C. § 1332(a)(1). Therefore, this case is removable because of diversity of citizenship jurisdiction, and removal is proper under 28 U.S.C. § 1441(b). Finally, venue properly lies with this Court pursuant to 28 U.S.C. § 1441(a), as this action is presently pending the Circuit Court of Fairfax County, which is situated within the Eastern District of Virginia, Alexandria Division.

This notice is being filed with this Court within 30 days (in fact, within 21 days) after service on the Defendant. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint, Motion for Preliminary Injunction and Affidavit in Support are attached. Copies of this notice of removal are being served on Plaintiff, *pro se*, and are being filed with the clerk of the Fairfax County Circuit Court.

February 13, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin B. Bedell', is written over a horizontal line.

Kevin B. Bedell, VSB #30314
Theresa A. Queen VSB #44462
Greenberg Traurig LLP
1750 Tysons Blvd.
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*Counsel for Defendant E*TRADE FINANCIAL
CORPORATION*

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing Notice of Removal to be served
this 13th day of February, 2015, by U.S. mail, first-class, postage-prepaid, to:

Robert A. Vanderhye
801 Ridge Drive
McLean, VA 22102- 1625
Tel: (703) 442-0422
Plaintiff *Pro Se*

A handwritten signature in black ink, appearing to read 'Theresa A. Queen', written over a horizontal line.

Theresa A. Queen